

Amend Section 87101 to read:

Post-hearing: Amend Section 87101 to read:

87101 DEFINITIONS

87101

(a) through (k) (Continued)

(l) (1) License. (Continued)

(2) Licensed Professional. "Licensed Professional" means a person who is licensed in California to provide medical care or therapy. This includes physicians and surgeons, physician assistants, nurse practitioners, registered nurses, licensed vocational nurses, psychiatric technicians, physical therapists, occupational therapists and respiratory therapists, who are operating within his/her scope of practice.

(23) Licensee. (Continued)

(34) Licensing Agency. (Continued)

(m) (1) Medical Professional. (Continued)

(n) (3) Non-Compliance Conference. "Non-Compliance Conference" means a meeting initiated by the Department that takes place between the licensing agency and the licensee to afford the licensee an opportunity to correct licensing violations other than those that pose an immediate danger to residents and that may result in a corrective plan of action. Its purpose is to review the existing deficiencies and to impress upon the licensee the seriousness of the situation prior to the agency requesting administrative action to revoke the license. The Department may initiate administrative action without a non-compliance conference.

(4) Nutritionist. (Continued)

Authority Cited: Sections 1569.23, 1569.30, 1569.616, and 1569.698, Health and Safety Code.

Reference: 42 CFR 418.3; Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.153, 1569.157, 1569.158, 1569.17, 1569.19, 1569.191, 1569.193, 1569.20, 1569.21, 1569.23, 1569.31, 1569.312, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.699, 1569.73, 1569.74, 1569.82, 1797.196, and 1771, Health and Safety Code; Section 15610.13, Welfare and Institutions Code; and Sections 1800, 4615, 4650, and 4753, Probate Code.

Amend Section 87218 to read:

87218 APPLICATION FOR LICENSE

87218

- (a) Any individual, firm, partnership, association, corporation or governmental entity desiring to obtain a license shall file with the licensing agency an application on forms furnished by the licensing agency. The licensee shall cooperate with the licensing agency in providing verification and/or documentation as requested by the licensing agency. The application and supporting documents shall contain the following: (Continued)
- (14) When there is a change of licensee, the required documentation shall include the information specified in Section 87227(k). (Continued)

Authority Cited: Sections 1569.23, 1569.30, and 1569.616, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.10, 1569.15, 1569.151, 1569.1515, 1569.16, 1569.17, 1569.185, 1569.19, 1569.20, 1569.21, 1569.22, 1569.23, 1569.24, 1569.312, 1569.45, 1569.60, 1569.616, and 1569.62, Health and Safety Code.

Amend Section 87561 to read:

87561 REPORTING REQUIREMENTS

87561

- (a) Each licensee shall furnish to the licensing agency such reports as the Department may require, including, but not limited to, the following: (Continued)
 - (2) Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or facsimile to the licensing agency and to the local health officer when appropriate. (Continued)

Authority Cited: Section 1569.30 and 1569.616, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.616, and 1797.196, Health and Safety Code.

Amend Section 87575.1 to read:

87575.1 ADVANCE HEALTH CARE DIRECTIVES, REQUESTS 87575.1
TO FOREGO RESUSCITATIVE MEASURES, AND
DO-NOT-RESUSCITATE FORMS (Continued)

- (c) If a resident who has a Request to Forego Resuscitative Measures, and/or an Advance Health Care Directive and/or a DNR form on file experiences a medical emergency, facility staff shall do one of the following: (Continued)
- (d) After following the procedure in Section 87575.1(c)(1), (2), or (3), facility staff shall notify the resident's hospice agency and health care surrogate decision maker, if applicable.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.74, and 1569.156, Health and Safety Code; and Section 4753, Probate Code.

Amend Section 87577 to read:

87577 PERSONAL ACCOMMODATIONS AND SERVICES

87577

- (a) Living accommodations and grounds shall be related to the facility's function. The facility shall be large enough to provide comfortable living accommodations and privacy for the residents, staff, and others who may reside in the facility. The following provisions shall apply: (Continued)
- (3) Equipment and supplies necessary for personal care and maintenance of adequate hygiene practice shall be readily available to each resident. The resident may provide the following items; however, if the resident is unable or chooses not to provide them, the licensee shall assure provision of: (Continued)
- (E) Portable or permanent closets and drawer space in the bedrooms for clothing and personal belongings. A minimum of eight (8) cubic feet (.743 cubic meters) of drawer space per resident shall be provided. (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31 and 1569.312, Health and Safety Code.

Amend Section 87578 to read:

87578 PERSONAL ASSISTANCE AND CARE

87578

- (a) Based on the individual's preadmission appraisal, and subsequent changes to that appraisal, the facility shall provide assistance and care for the resident in those activities of daily living which the resident is unable to do for himself/herself. Postural supports may be used under the following conditions. (Continued)
 - (2) Postural supports shall be fastened or tied in a manner that permits quick release by the resident.
 - (3) A written order from a physician indicating the need for the postural support shall be maintained in the resident's record. The licensing agency shall be authorized to require other additional documentation if needed to verify the order.
 - (4) Prior to the use of postural supports that change the ambulatory status of a resident to non-ambulatory, the licensee shall ensure that the appropriate fire clearance, as required by Section 87220, Fire Clearance has been secured.
 - (5) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a resident's hands or feet.
 - (A) A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed.
 - (B) Bed rails that extend the entire length of the bed are prohibited except for residents who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rails.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, and 1569.312, Health and Safety Code.

Amend Section 87691 to read:

Post-hearing: Amend Handbook Section 87691(f)(2)(A)4.d.

87691 MAINTENANCE AND OPERATION (Continued)

87691

(f) Solid waste shall be stored and disposed of as follows: (Continued)

- (2) Syringes and needles are disposed of in accordance with the California Code of Regulations, Title 8, Section 5193 concerning bloodborne pathogens.

HANDBOOK BEGINS HERE

(A) California Code of Regulations, Title 8, Sections 5193(d)(3)(B) through (D) are paraphrased in pertinent part:

1. Shearing or breaking of contaminated needles is prohibited.
2. Contaminated needles shall not be bent or recapped.
3. Waste containers shall not be opened or emptied manually.
4. Immediately or as soon as possible after use, contaminated needles shall be placed in appropriate containers that shall be:
 - a. Rigid;
 - b. Puncture resistant;
 - c. Leakproof on the sides and bottom;
 - d. Portable, if portability ~~if~~ is necessary to ensure easy access by the user;
 - e. Labeled as BIOHAZARDOUS WASTE or SHARPS WASTE.

HANDBOOK ENDS HERE

(3) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1 and 1569.31, Health and Safety Code; and California Code of Regulations, Title 8, Section 5193.

Amend Section 87701 to read:

87701 PROHIBITED HEALTH CONDITIONS

87701

- (a) In addition to Section 87582(c), persons who require health services or have a health condition including, but not limited to, those specified below shall not be admitted or retained in a residential care facility for the elderly:
- (1) Stage 3 and 4 pressure sores (dermal ulcers). (Continued)
 - (3) (Continued)
 - (4) (Continued)
 - (5) (Continued)
 - (6) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Amend Section 87701.1 to read:

Post-hearing: Amend Section 87701.1(a)(9) to read:

87701.1 RESTRICTED HEALTH CONDITIONS

87701.1

(a) The licensee may provide care for residents who have any of the following restricted health conditions, or who require any of the following health services:
(Continued)

- (9) Intermittent Positive Pressure Breathing Machine/~~nebulizer~~ use as specified in Section 87704.
- (10) Stage 1 and 2 pressure sores (dermal ulcers) as specified in Section 87713(a)(3). (Continued)

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Adopt Section 87701.2 to read:

87701.2 GENERAL REQUIREMENTS FOR RESTRICTED
HEALTH CONDITIONS

87701.2

- (a) Prior to admission of a resident with a restricted health condition, the licensee shall:
 - (1) Communicate with all other persons who provide care to that resident to ensure consistency of care for the condition.
 - (2) Ensure that facility staff who will participate in meeting the resident's specialized care needs complete training provided by a licensed professional sufficient to meet those needs.
 - (A) Training shall include hands-on instruction in both general procedures and resident-specific procedures.
 - (B) Training shall be completed prior to the staff providing services to the resident.
- (b) Should the condition of the resident change, all facility staff providing care to that resident shall complete any additional training required to meet the resident's new needs, as determined by the resident's physician or a licensed professional designated by the physician.
- (c) The licensee shall document any significant occurrences that result in changes in the resident's physical, mental and/or functional capabilities and immediately report these changes to the resident's physician and authorized representative.
- (d) A resident's right to receive or reject medical care or services, as specified in Section 87572, Personal Rights, shall not be affected by this section.
 - (1) If a resident refuses medical services the licensee shall immediately notify the resident's physician or licensed professional designated by the physician and the resident's authorized representative, if any, and shall participate in developing a plan for meeting the resident's needs.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.72, Health and Safety Code.

Renumber Section 87701.2 to 87701.3 to read:

87701.3 HEALTH CONDITION RELOCATION ORDER (Continued) 87701.3

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, 1569.31, 1569.312, 1569.54, and
 1569.73, Health and Safety Code.

Amend Section 87702 to read:

87702 ALLOWABLE HEALTH CONDITIONS AND THE USE OF HOME HEALTH AGENCIES 87702

- (a) A licensee shall be permitted to accept or retain persons who have a health condition(s) which requires incidental medical services including, but not limited to, the conditions specified in Section 87701.1, Restricted Health Conditions.
- (b) Incidental medical care may be provided to residents through a licensed home health agency provided the following conditions are met:
 - (1) The licensee is in substantial compliance with the requirements of Health and Safety Code Sections 1569-1569.87, and of Chapter 8, Division 6, of Title 22, CCR, governing Residential Care Facilities for the Elderly. (Continued)
 - (4) The licensee and home health agency agree in writing on the responsibilities of the home health agency, and those of the licensee in caring for the resident's medical condition(s). (Continued)
 - (B) The written agreement shall include day and evening contact information for the home health agency, and the method of communication between the agency and the facility, which may include verbal contact, electronic mail, or logbook. (Continued)
- (c) The use of home health agencies to care for a resident's medical condition(s) does not expand the scope of care and supervision that the licensee is required to provide.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312, and 1569.725, Health and Safety Code.

Amend Section 87702.1 to read:

Post-hearing: Amend Section 87702.1(a) et seq. to read:

87702.1 GENERAL REQUIREMENTS FOR ALLOWABLE HEALTH 87702.1
CONDITIONS

- (a) Prior to accepting or retaining a resident with an allowable health condition as specified in Section 87703, Oxygen Administration – Gas and Liquid; Section 87704, Intermittent Positive Pressure Breathing (IPPB) Machine/~~Nebulizer~~; Section 87705, Colostomy/Ileostomy; Section 87709, Contractures; or Section 87713, Healing Wounds; licensees who have, or have had, any of the following within the last two years, shall obtain Department approval:
- (1) Probationary license;
 - (2) Administrative action filed against them;
 - (3) ~~Scheduled date for a~~ A Non-Compliance Conference as defined in Section 87101(n) that resulted in a corrective plan of action; or
 - (4) A notice of deficiency concerning direct care and supervision of a resident with a health condition specified in Section 87701.1, Restricted Health Conditions, that required correction within 24 hours.
- (b) The licensee shall complete and maintain a current, written record of care for each resident that includes, but is not limited to, the following: (Continued)
- (2) The names, address and telephone number of vendors, if any, and all appropriately skilled professionals providing services. (Continued)
- (c) In addition to Section 87565(d), facility staff shall have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.
- (d) In addition to Sections 87587, Reappraisals and Section 87591, Observation of the Resident, the licensee shall monitor the ability of the resident to provide self care for the allowable health condition and document any change in that ability.
- (e) (Continued)
- (f) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87703 to read:

Post-hearing: Amend Section 87703(b)(3)(F) to read:

87703 OXYGEN ADMINISTRATION – GAS AND LIQUID

87703

(a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who requires the use of oxygen gas administration under the following circumstances:

(1) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.

OR

(2) If intermittent oxygen administration is performed by an appropriately skilled professional.

(b) In addition to Section 87702.1(b), the licensee shall be responsible for the following: (Continued)

(3) Ensuring that the use of oxygen equipment meets the following requirements: (Continued)

(E) Oxygen tanks that are not portable shall be secured in a stand or to the wall.

(F) Plastic tubing from the nasal canula or mask to the oxygen source is shall be long enough to allow the resident movement within his/her room but does not constitute a hazard to the resident or others. (Continued)

(c) The licensee shall be permitted to accept or retain a resident who requires the use of liquid oxygen under the following circumstances:

(1) The licensee obtains prior approval from the licensing agency.

(2) If the resident is mentally and physically capable of operating the equipment, is able to determine his/her need for oxygen, and is able to administer it him/herself.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87704 to read:

Post-hearing: Amend Section 87704(a) and Title to read:

87704 INTERMITTENT POSITIVE PRESSURE BREATHING (IPPB) 87704
MACHINE/~~NEBULIZER~~

(a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who requires the use of an IPPB machine ~~or a nebulizer~~ under the following circumstances:

(1) If the resident is mentally and physically capable of operating his/her own equipment and is able to determine his/her own need.

OR

(2) If the device is operated and cared for by an appropriately skilled professional.

(b) In addition to Section 87702.1(b), the licensee shall be responsible for the following: (Continued)

(2) Ensuring that the procedure is administered by an appropriately skilled professional should the resident require assistance.

(3) Ensuring that the use of the equipment meets the following requirements: (Continued)

(4) Determining that room size can accommodate equipment in accordance with Section 87577(a)(2)(A).

(5) Ensuring that facility staff have knowledge of and ability in the operation of the equipment.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87705 to read:

Post-hearing: Amend Section 87705(b)(1)(B) to read:

87705 COLOSTOMY/ILEOSTOMY

87705

(a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who has a colostomy or ileostomy under the following circumstances:

(1) If the resident is mentally and physically capable of providing all routine care for his/her ostomy, and the physician has documented that the ostomy is completely healed.

OR

(2) If assistance in the care of the ostomy is provided by an appropriately skilled professional.

(b) In addition to Section 87702.1(b), the licensees shall be responsible for the following:

(1) Ensuring that ostomy care is provided by an appropriately skilled professional.

(A) The ostomy bag and adhesive may be changed by facility staff who have been instructed by the professional.

(B) There shall be written documentation by ~~the~~ an appropriately skilled professional outlining the instruction of the procedures delegated and the names of the facility staff ~~receiving instruction~~ who have been instructed. (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code

Amend Section 87707 to read:

Post-hearing: Amend Section 87707(b)(2) to read:

87707 INDWELLING URINARY CATHETER/CATHETER 87707
PROCEDURE (Continued)

(b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)

(2) Ensuring that the bag and tubing are changed by an appropriately skilled professional should the resident require assistance.

(A) The bag may be emptied by facility staff who receive instruction from an appropriately skilled professional.

(B) There shall be written documentation by an appropriately skilled professional outlining the instruction of the procedures delegated and the names of the facility staff who have been instructed.

(C) The licensee shall ensure that the professional reviews staff performance as often as necessary, but at least annually. (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87708 to read:

87708 MANAGED BOWEL AND BLADDER INCONTINENCE 87708

- (a) The licensee shall be permitted to accept or retain a resident who has a manageable bowel and/or bladder incontinence condition under the following circumstances:
 - (1) The condition can be managed with any of the following: (Continued)
 - (D) The use of incontinent care products.
- (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)
 - (3) Ensuring that incontinent residents are kept clean and dry and that the facility remains free of odors from incontinence.
 - (4) Ensuring that bowel and/or bladder programs are designed by an appropriately skilled professional with training and experience in care of elderly persons with bowel and/or bladder dysfunctions and development of retraining programs for restoration of normal patterns of continence. (Continued)
 - (7) Ensuring that the condition of the skin exposed to urine and stool is evaluated regularly to ensure that skin breakdown is not occurring.
 - (8) Privacy shall be afforded when care is provided.
 - (9) Ensuring that fluids are not withheld to control incontinence.
 - (10) Ensuring that an incontinent resident is not catheterized to control incontinence for the convenience of the licensee.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.31, and 1569.312, Health and Safety Code.

Amend Section 87709 to read:

Post-hearing: Amend Section 87709(a) to read:

87709 CONTRACTURES

87709

(a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who has contractures under the following circumstances:

- (1) If the contractures do not severely affect functional ability and the resident is able to care for the contractures by him/herself.

OR

- (2) If the contractures do not severely affect functional ability and care and/or supervision is provided by an appropriately skilled professional.

(b) In addition to Section 87702.1(b), the licensee shall be responsible for the following:

- (1) Ensuring that range of motion or other exercise(s), if prescribed by the physician or physical therapist, are performed by an appropriately skilled professional or by facility staff who receive instruction from an appropriately skilled professional.
- (2) Ensuring that prior to facility staff performing range of motion or other prescribed exercises, there shall be written documentation by the appropriately skilled professional, outlining instruction on the procedures and the names of the facility staff receiving instruction.
- (3) Ensuring that the professional reviews staff performance as often as necessary, but at least annually.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87710 to read:

Post-hearing: Amend Section 87710(b)(4) to read:

87710 DIABETES (Continued)

87710

(b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensee shall be responsible for the following: (Continued)

(4) Providing modified diets as prescribed by a resident's physician as specified in Section 87576(b)(7). ~~Substitutions may be made by the facility dietitian.~~

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87711 to read:

87711 INJECTIONS (Continued)

87711

- (b) In addition to Section 87702.1, General Requirements for Allowable Health Conditions, the licensees who admit or retain residents who require injections shall be responsible for the following: (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.

Amend Section 87713 to read:

Post-hearing: Amend Section 87713(a) to read:

87713 HEALING WOUNDS

87713

- (a) Except as specified in Section 87702.1(a), the licensee shall be permitted to accept or retain a resident who has a healing wound under the following circumstances:
 - (1) When care is performed by or under the supervision of an appropriately skilled professional.
 - (2) When the wound is the result of surgical intervention and care is performed as directed by the surgeon.
 - (3) Residents with a stage one or two pressure sore (dermal ulcer) must have the condition diagnosed by an appropriately skilled professional.
 - (A) The resident shall receive care for the pressure sore (dermal ulcer) from an appropriately skilled professional. (Continued)
- (b) A skin tear is not a healing wound.

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.